THE HON'BLE SRI G.S.SINGHVI, THE CHIEF JUSTICE

AND

THE HON'BLE SRI JUSTICE BILAL NAZKI

WRIT PETITION No. 25383 of 2005

29-11-2005

Between:

M/s.Suvarna Apparel & Fashion Exports Ltd., Rangareddyguda Village,

Mahabubnagar District, rep. by its Managing Director.

..... PETITIONER

AND

S.B.I. Stressed Assets Management Branch, Secunderabad & Others.

.....RESPONDENTS

THE HON'BLE SRI G.S.SINGHVI, THE CHIEF JUSTICE

AND

THE HON'BLE SRI JUSTICE BILAL NAZKI

WRIT PETITION No. 25383 of 2005

ORDER: (Per Hon'ble Sri G.S.Singhvi, CJ)

This petition is directed against notices dated 06.09.2005 and 07.11.2005 issued by respondent No.2 to the petitioner under Section 13(2) and 13(4) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'the Act').

The petitioner has challenged the aforesaid notices on various grounds set out in the writ petition including the one that respondent No.2 does not have the jurisdiction to initiate action under Section 13(2) of the Act.

We have heard learned counsel for the petitioner at considerable length and perused the record. In our opinion, the writ petition is liable to be dismissed only on the ground that the petitioner has got an effective alternative remedy by way of appeal under Section 17(2) of the Act and there is no valid ground to presume that the said remedy is not an efficacious alternative remedy. Almost 23 years ago, the Supreme Court had, in **Titaghur Paper Mills Co. Ltd., Vs. State of Orissa & others**, ruled that in exercise of jurisdiction under Article 226 of the Constitution of India, the High Court should not entertain a petition involving challenge to the levy and recovery of tax, etc., if an effective alternative remedy is available to the petitioner. The same view was reiterated in **Union of India & others Vs. M/s. Oswal Woollen Mills Ltd. & others**, **Assistant Collector, Central Excise, Chandan Nagar, West Bengal Vs. Dunlop India Ltd., & others**, and in **State of Goa & others Vs. Leukoplast India Ltd**. In **Assistant Collector, Central Excise, Chandan Nagar, West Bengal Vs. Dunlop India Ltd., & others** (3rd supra), Supreme Court deprecated the practice of the High Courts to entertain petitions only for the purpose of granting interim relief during the pendency of the proceedings before the appropriate adjudicatory forum.

Since the petitioner has failed to avail the remedy of appeal, we do not find any valid ground to entertain his challenge to the impugned notices.

For the reasons stated above, the writ petition is dismissed.

At this stage, learned Counsel for petitioner made a request that the Court may extend the time for filing appeal under Section 17(2) of the Act. The request of the learned Counsel appears reasonable and is accepted. However, it is made clear that respondent No.2 shall be entitled to all legally permissible objections for contesting the appeal which may be filed by the petitioner within the time given by the Court.

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(G.S.SINGHVI, HCJ)

29th November 2005

_____ (BILAL NAZKI, J)

ajr